

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE: )  
)  
SCOTTY'S HOLDINGS, LLC, et al. ) Case No. 18-09243-JJG-11  
) (Jointly Administered)  
)  
Debtors.<sup>1</sup> )

**OBJECTION TO DEBTORS' MOTION FOR EXTENSION OF TIME TO FILE  
SCHEDULES AND STATEMENTS OF FINANCIAL AFFAIRS**

The Huntington National Bank ("Huntington"), a secured creditor herein, by counsel, for its Objection to Debtors' Motion for Extension of Time to File Schedules and Statements of Financial Affairs (the "Motion"), respectfully represents:

1. Huntington is a secured creditor of the Debtors holding liens on substantially all of the Debtors' property including collateral comprising "cash collateral". *See*, Declaration of Berek Blackwell, ¶14[Dkt. 4]; Interim Order Authorizing Use of Cash Collateral, Granting Adequate Protection, Other Related Relief, and Scheduling Further Hearing for Final Approval dated December 17, 2018 (the "Interim Order") [Dkt. 57].

2. Pursuant to the Interim Order, the Debtors have been authorized to use cash collateral for the period from the Petition Date through January 17, 2019. This Court has scheduled a final hearing with regard to the Debtors' continued use of cash collateral for January 17, 2019 at 1:30 p.m.

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<sup>1</sup> The Debtors include Scotty's Holdings, LLC, Case No. 18-09243-JJG-11 (the "Lead Case"); A Pots & Pans Production, LLC, Case No. 18-09244-JJG-11; Scotty's Thr3e Wise Men Brewing Company, LLC, Case No. 18-09245-JJG-11; Scotty's Brewhouse, LLC, Case No. 18-09246-JJG-11; Scotty's Brewhouse Bloomington, LLC, Case No. 18-09248-JJG-11; Scotty's Brewhouse West Lafayette, LLC, Case No. 18-09250-JJG-11; Scotty's Indianapolis, LLC, Case No. 18-09251-JJG-11; Scotty's Brewhouse Downtown Indianapolis, LLC, Case No. 18-09252-JJG-11; Scotty's Brewhouse Mishawaka, LLC, Case No. 18-09253-JJG-11; Scotty's Brewhouse Fort Wayne, LLC, Case No. 18-09255-JJG-11; Scotty's Brewhouse Carmel, LLC, Case No. 18-09256-JJG-11; Scotty's Brewhouse Butler, LLC, Case No. 18-09257-JJG-11; and Scotty's Brewhouse Waco, LLC, Case No. 18-09258-JJG-11.

(the “Final Hearing”). Further, the Interim Order established January 11, 2019 as the deadline to file further objections to the Debtors’ continued use of cash collateral (the “Objection Deadline”).

3. By the Motion, the Debtors seek to extend the deadline by which each Debtor must file its Schedules and Statement of Financial Affairs through January 25, 2019 two (2) weeks after the Objection Deadline and eight (8) days after the Final Hearing concerning Debtors’ use of cash collateral.

4. Huntington will be prejudiced in its ability to assess the Debtors’ operations and negotiate with the Debtors concerning final use of cash collateral if the Debtors are allowed to keep their Schedules and Statements to themselves in advance of the Objection Deadline and Final Hearing. As the Debtors state in the Motion, “a bankruptcy court will normally grant such an extensions [sic] ‘in the absence of bad faith or prejudice’ to an adverse party”. Motion, p. 4, citing *Bryant v. Smith*, 165 B.R. 176, 182 (W.D.Va. 1994).

WHEREFORE, for all of the foregoing reasons, Huntington respectfully objects to the Debtors’ Motion, prays that the Court deny the Motion, and for all other relief just and proper in the premises.

Respectfully submitted,

BLACKWELL, BURKE & RAMSEY, P.C.

BY: /s/ Jason R. Burke  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed electronically this 19<sup>th</sup> day of December, 2018. Notice of this filing will be sent to all parties registered to receive such notice by operation of the Court's electronic filing system. I hereby further certify that I caused a copy of the foregoing to be served via U.S. Mail, First Class, postage prepaid upon the parties that are not registered to receive notice by operation of the Court's electronic filing system at their respective addresses listed on the electronic filing receipt. Parties may access this filing through the Court's electronic filing systems.

/s/ Jason R. Burke

JASON R. BURKE